



Attorney Docket No. OPTI 3140-6

ITW

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Signed: Deborah Cameron
Deborah Cameron

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Subir Ghosh and Hsu-Tien Tung	Attorney Docket No.: OPTI 3140-6
Application No.: 10/619,798	Examiner: ELLIS, Kevin L.
Filed: July 15, 2003	Group: 2188
Title: PREDICTIVE SNOOPING OF CACHE MEMORY FOR MASTER-INITIATED ACCESSES	Confirmation No.: Not Known
	Customer No. 22470

LETTER

United States Patent and Trademark Office
Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Sir:

In an IDS submitted on 9 November 2005, Applicants submitted, among other references, a chapter from each of two editions of a book by Shanley: one edition dated in 1993, and another edition, dated in 1995. In the 1993 edition, chapter 16, pages 239-240, the author describes what he refers to as a "snoop-ahead" feature that he says was included in the Intel i82420 PCI chipset.

In the 1995 edition, the reference to the snoop-ahead feature of the 82420 chipset is missing. See Chapter 21 of the Third Edition.

Submitted herewith is a 2 Apr 2003 Decision in a litigation proceeding in the U.K. Patent Office, under U.K. Patents Act 1977, entitled "In the matter of an application under section 27 of

the Act to amend Patent No. EP(UK)0804763 in the name of Intel Corporation and an opposition thereto by Via Technologies Inc.” In this decision the adjudicator references the above passage from the 1993 edition of the Shanley book, and states that “this chip set did not, in fact, incorporate a snoop-ahead feature”. See Document No. 87 in the accompanying set of UK Litigation Documents (see below).

Also attached hereto is a copy of Intel, CDC Cache & DRAM Controller Target Specification, Rev. 2.0, excerpt from p.54, believed to have been printed in 1993. Applicants believe this document related to Intel’s i82420 PCI chipset, the same chipset to which the erroneous statements in the 1993 Shanley book related. Applicants do not list this document on an IDS because Applicants submit it is not prior art to the instant application. The document is not a “printed publication” under 35 USC 102(a) or 102(b) because according to the legend on the document, it was “Intel Restricted Confidential” prior to Applicants’ original application filing date. Nor does it suggest a “public use” or “on sale” under 35 USC 102(b), because the product to which it related did not, in fact, incorporate the snoop ahead feature as finally used in public or offered for sale. Nor does it suggest a “prior invention” under 35 USC 102(g)(2), because the fact that Intel omitted the feature from the product as sold suggests either that they were not able to make it work (i.e. invention was not complete), or that they “abandoned, suppressed or concealed” the invention. Absence of “public use”, “on sale” and “prior invention” by the Intel work mentioned in this document is in fact confirmed by the various declarations submitted by Intel in the accompanying UK Litigation Documents. (See, in particular but without limitation, Document Nos. 45-B, 45-C, 45-D and 84.) The document is believed no longer confidential because of the disclosure of its subject matter in Shanley and in the papers submitted by Intel without confidentiality in the UK litigation.

For completeness of this submission, and so the Examiner can make an independent evaluation of the facts, Applicants submit herewith copies of all the documents that Applicants have obtained from the U.K. litigation proceeding. These documents include the following:

No.	Date	Document
1	30-Jun-2000	Letter from Bird & Bird to The Patent Office
2	30-Jun-2000	Letter from Bird & Bird to The Patent Office, with attached: proposed amendments; Reasons for the Request; and Statement of Reasons
3	3 Jul 2000	Letter from The Patent Office to Bird & Bird
4	6 Jul 2000	Consent Order
5	15 Sep 2000	Letter from Bird & Bird to The Patent Office, enclosing: Request (by Intel) to make Amendment or Correction (to Patent EP0804763); Proposed amendments; Marked-up copy of patent
6	22 Sep 2000	Letter from The Patent Office to Bird & Bird
7	24 Jan 2001	Letter from The Patent Office to Bird & Bird
8	20 Apr 2001	Notice of Opposition to Proceedings Before the Comptroller, with attached Statement of Opposition
9	4 May 2001	Letter from Bristows to The Patent Office
10	4 May 2001	Letter from Bristows to The Patent Office, enclosing: 20 Apr 2001 letter from Bristows to Bird & Bird; 3 May 2001 letter from Bird & Bird to Bristows
11	15 May 2001	Letter from The Patent Office to Bristows
12	1 Jun 2001	Letter from Bristows to The patent Office
13	19 Jun 2001	Letter from Bird & Bird to The Patent Office
14	22 Jun 2001	Letter from The Patent Office to Bristows (report of telephone conversation)
15	22 Jun 2001	Letter from The Patent Office to Bristows (noting that opponent has filed evidence)
16	29 Jun 2001	Letter from Bristows to The Patent Office

17	23 Aug 2001	Witness Statement of Alexander Batteson (with attached Annexes AB-1 and AB-2)
18	3 Sep 2001	Via's Skeleton Argument
19	4 Sep 2001	Applicant's Skeleton Argument
20	6 Sep 2001	Transcript of Hearing before the Divisional Director, with attached draft Order
21	9 Sep 2001	Order
22	18 Oct 2001	Counter Statement
23	29 Oct 2001	Letter from The Patent Office to Bristows
24	31 Oct 2001	Letter from The Patent Office to Bristows
25	21 Nov 2001	Letter from Bristows to The Patent Office
26	3 Dec 2001	Letter from The Patent Office to Bird & Bird
27	3 Dec 2001	Letter from The Patent Office to Bristows
28	3 Dec 2001	Letter from Bird & Bird to The Patent Office
29	10 Dec 2001	Letter from Bristows to The Patent Office
30	21 Dec 2001	Letter from Bird & Bird to The Patent Office
31	2 Jan 2002	Letter from The Patent Office to Bristows
32	2 Jan 2002	Letter from The Patent Office to Bird & Bird
33	18 Jan 2002	Letter from Bristows to Bird & Bird
34	25 Jan 2002	Letter from Bird & Bird to Bristows
35	29 Jan 2002	Opponent's Skeleton Argument for Hearing on 31 st January 2002
36	30 Jan 2002	Opponent's List of Authorities for Hearing on 31 January 2002 (with attached orders dated 12 Apr 2001 and 14 Aug 2000 in Instance v. CCL Label case, and with attached Decision in the Matter of an application to amend European patent (UK) number EP 0329959 B1 (Kaiser))
37	30 Jan 2002	Letter from Bird & Bird to The Patent Office, with attached Applicant's Skeleton Argument
38	31 Jan 2002	Transcript of Preliminary Hearing before the Divisional Director (Proceedings)
39	31 Jan 2002	Transcript of Preliminary Hearing before the Divisional Director (Oral Decision)

40	31 Jan 2002	Transcript of Preliminary Hearing before the Divisional Director (Oral Decision, edited by Mr. Hayward)	
41	13 Feb 2002	Letter from The Patent Office to Bristows	
42	13 Feb 2002	Letter from The Patent Office to Bird & Bird	
43	27 Mar 2002	Annexes 1-5 to Opponent's Written Submission for a Ruling Regarding the Applicant's Evidence (including Witness Statement of Dr. Neuhauser)	
44	28 Mar 2002	Patentee's (Intel's) letter submitting evidence in support of its application to amend	
45	28 Mar 2002	Proprietor's Evidence, including:	
45-A		A	Witness statement of PETER WILLIAM WARD dated 28 March 2002
45-B		B	Exhibit PWW1 Copy of a statutory declaration by ALI SERHAN OZTASKIN dated 10 January 2001
45-C		C	Exhibit PWW2 Copy of a statutory declaration by GEORGE RICHARD HAYEK dated 4 January 2001
45-D		D	Exhibit PWW3 Copy of statutory declaration by BRIAN LANGENDORF dated 24 January 2001
45-E		E	Exhibit PWW4 Copy of a statutory declaration by JO-ANN SEE dated 2 November 2000 Exhibit JAS-1 prosecution file of application 9700807.2/grant 37838 (the patent)
45-F		F	Exhibit PWW5 Copy of statutory declaration of JAMES H SALTER dated 4 January 2001, with Exhibits JHS-1, JHS-2, JHS-3 and JHS-4
45-G		G	Witness statement of ISABELLA FU dated 27 March 2002
45-HI		H I	Witness statement of JOSEPH BOND dated 21 March 2002
45-JK		J K	Witness statement of FRANCIS WOMBWELL dated 27 March 2002
45-L		L	Witness statement of MICHAEL DOWER dated 27 March 2002
45-M		M	Witness statement of CHARLES J NEUHAUSER dated 27 March 2002
45-N		N	Exhibit CJN 1 Curriculum Vitae

45-O		O Exhibit CJN2 Written undertaking
46	12 Apr 2002	Letter from Bird & Bird to The Patent Office
47	16 Apr 2002	Letter from The Patent Office to Bird & Bird
48	16 Apr 2002	Letter from The Patent Office to Bristows
49	8 May 2002	Letter from The Patent Office to Bird & Bird
50	8 May 2002	Letter from The Patent Office to Bristows
51	8 May 2002	Letter from Bristows to Bird & Bird
52	8 May 2002	Letter from Bristows to The Patent Office
53	16 May 2002	Letter from The Patent Office to Bristows
54	16 May 2002	Letter from The Patent Office to Bird & Bird
55	20 May 2002	Letter from Bristows to Bird & Bird
56	24 May 2002	Letter from Bristows to Bird & Bird
57	28 May 2002	Letter from Bird & Bird to Bristows
58	29 May 2002	Letter from Bird & Bird to The Patent Office
59	5 Jun 2002	Letter from Bristows to Bird & Bird
60	7 Jun 2002	Letter from Bristows to The Patent Office
61	20 Jun 2002	Email from Bird & Bird to The Patent Office
62	20 Jun 2002	Letter from Bristows to The Patent Office
63	21 Jun 2002	Letter from The Patent Office to Bristows
64	28 Jun 2002	Opponent's Written Submissions for a Ruling Regarding the Applicant's Evidence
65	28 Jun 2002	Letter from Bird & Bird to The Patent Office
66	4 Jul 2002	Letter from The Patent Office to Bird & Bird
67	4 Jul 2002	Letter from The Patent Office to Bristows
68	4 Jul 2002	Procedural Decision
69	12 Jul 2002	Letter from Bird & Bird to The Patent Office
70	17 Jul 2002	Letter from Bristows to The Patent Office
71	16 Aug 2002	Letter from The Patent Office to Bird & Bird
72	16 Aug 2002	Letter from The Patent Office to Bristows

73	4 Oct 2002	Letter from Bird & Bird to The Patent Office
74	20 Sep 2002	Letter from Bristows to Bird & Bird
75	4 Oct 2002	Letter from Bristows to Bird & Bird
76	27 Nov 2002	Letter from Bristows to The Patent Office
77	27 Nov 2002	Letter from Bristows to Bird & Bird
78	28 Nov 2002	Letter from Bird & Bird to The Patent Office
79	28 Nov 2002	Letter from Bristows to The Patent Office
80	29 Nov 2002	Procedural Decision
81	29 Nov 2002	Letter from The Patent Office to Bird & Bird
82	29 Nov 2002	Letter from The Patent Office to Bristows
83	29 Nov 2002	VIA's Written Submissions in Opposition to Intel's Application to Amend EP (UK) 0 804 763
84	29 Nov 2002	Written Submission of Intel
85	13 Dec 2002	VIA's Comments on Intel's Written Submissions
86	13 Dec 2002	Intel's Submission In Reply
87	2 Apr 2003	Decision
88	3 Apr 2003	Letter from The Patent Office to Bristows
89	29 Sep 2004	Register Entry for EP0804763

Fee Authorization. The Commissioner is hereby authorized to charge underpayment of any additional fees or credit any overpayment associated with this communication to Deposit Account No. 50-0869 (OPTI 3140-6). A duplicate copy of this authorization is enclosed.

Respectfully submitted,

Haynes Beffel & Wolfeld LLP

Date: November 23, 2005

By: Warren S. Wolfeld

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By: Annette Masiello
Signature

Date: Nov. 28, 2005

Print Name: Annette Masiello